

FEB 06 2012

PTO/SB/06 (03-09)

Approved for use through 03/31/2012. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))**

Docket Number (Optional)

**RECEIVED**Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

FEB 10 2012

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,443,817Application Number 09/778525Issue Date 9-3-2002Filing Date 2-6-2001**CAUTION:** Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable

The above - identified patent

☐

Is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_

original application number \_\_\_\_\_

original filing date \_\_\_\_\_

☐

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_

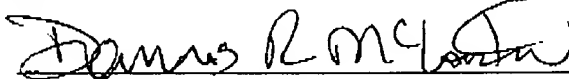
filed on \_\_\_\_\_

**CERTIFICATE OF MAILING (37 CFR 1.89(a))**

I hereby certify that this paper (\*along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

2-6-2012

Date



Signature

DOUGLAS R. MCCARTER

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$	3 ½ yr fee	(1551)	<input type="checkbox"/> \$	3 ½ yr fee	(2551)
<input type="checkbox"/> \$	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ 1425	7 ½ yr fee	(2552)
<input type="checkbox"/> \$	11 ½ yr fee	(1553)	<input type="checkbox"/> \$	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$

## 5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$☐ Please charge Deposit Account No. the sum of \$☐ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No.

PTO/SB/65 (03-09)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## 7 OVERPAYMENT

As to any overpayment made please

OR ☐ Credit to Deposit Account No. \_\_\_\_\_

☐ Send refund check

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

Douglas R. McCarter  
Signature(s) of Petitioner(s)

2-6-2012  
Date

DOUGLAS R. MCCARTER  
Typed or printed name(s)

Registration Number, if applicable

281-476-4716  
Telephone Number

1312 UNDERWOOD RD  
Address

LA PORTE, TX 77571  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES

- ☐ Maintenance Fee Payment
- ☐ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☐ \_\_\_\_\_

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No. 6157 P. 5

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner:

McCarten Technology Inc

Application No./Patent No.:

6,443,817

Filed/Issue Date:

Sept 03, 2002

Titled:

McCarten Technology Inc CORPORATION

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;
2. ☒ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is 100 %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011548, Frame 0471 or for which a copy therefore is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Douglas R McCarten  
Signature1/4/2012  
DateDOUGLAS R MCCARTEN  
Printed or Typed NameVice President  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Feb. 6. 2012 2:21PM Tuscany village

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No. 6156 P. 1  
P. 1

\* \* \* Communication Result Report ( Jan 26 2012 1:08PM ) \* \* \*

Fax Header) Tuscany village

Date/Time: Jan. 26. 2012 1:06PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
6109 Memory TX	15712738300	P 4	OK	

*McCarten  
Machine Inc.  
61443, 817*

*ATTN:  
Christina  
McDonnell*

USPTO  
ELECTRONIC  
DIVISION  
2012 FEB -7 PM 2:56

Reason for error  
mm. 1) Hang up or line fail  
mm. 3) No answer  
mm. 5) Exceeded max. E-mail size

E. 2) Busy  
E. 4) No facsimile connection

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PTO FORM 137-01 (Rev. 10-2009)  
U.S. Patent and Trademark Office

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Declassification (if applicable)
0443217	2002-09-01	0377520	2001-02-06	McCarten, I.

**CAUTION:** Maintenance fee (and surcharge, if any) payment must accompany this petition. (1) The fee must be paid by the date of the annual fee due. (2) The fee must be paid in accordance with the fee schedule in the current Official Gazette. (3) The fee must be paid in accordance with the fee schedule in the current Official Gazette. (4) The fee must be paid in accordance with the fee schedule in the current Official Gazette. (5) The fee must be paid in accordance with the fee schedule in the current Official Gazette.

**SMALL ENTITY**  
☒ Petitioner claims, or has conclusively determined, that the patent is a small entity patent. See 37 CFR 1.378(c).

**LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**  
☐ Petitioner is no longer entitled to small entity status. See 37 CFR 1.378(c).

**NOT SMALL ENTITY**

Fee	Code	Fee	Code
<input type="radio"/> 1% fee (1341)		<input type="radio"/> 3% fee (2521)	
<input type="radio"/> 7% fee (1602)		<input type="radio"/> 7% fee (2522)	
<input type="radio"/> 11% fee (1603)		<input type="radio"/> 11% fee (2523)	

**CHARGES:**  
The surcharge provided by 37 CFR 1.378(c) (for Code 1341) may be paid as a condition of accepting unreasonably delayed payment of the maintenance fee.

**MAINTENANCE FEE (37 CFR 1.378(c))**  
The appropriate maintenance fee must be accompanied with this petition.

**STATEMENT:**  
THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE FOR THIS PATENT WAS UNINTENTIONAL.

**PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.**

**THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES**

**37 CFR 1.378(c) states:** "The petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the petitioner, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.41(a)(4) that I am:

☐ An attorney or agent registered to practice before the Patent and Trademark Office.  
☐ A sole proprietor.  
☐ A joint petitioner: I certify that I am a certified signatory on behalf of all the other petitioners.  
☐ A non-signatory: I am a non-signatory to this petition.  
☒ The assignee of record of the entire interest.

CS - W022

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6443817	2002-09-03	09/778525	2001-02-06	MCCARTER-1

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number and (2) the application number of the actual U.S. application leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**SMALL ENTITY**
☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

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**LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS**
☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

FEB 10 2012

**NOT Small Entity**

- |                       | Fee       | Code   |
|-----------------------|-----------|--------|
| <input type="radio"/> | 3 ½ year  | (1551) |
| <input type="radio"/> | 7 ½ year  | (1552) |
| <input type="radio"/> | 11 ½ year | (1553) |

**Small Entity**

- |                                  | Fee       | Code   |
|----------------------------------|-----------|--------|
| <input type="radio"/>            | 3 ½ year  | (2551) |
| <input checked="" type="radio"/> | 7 ½ year  | (2552) |
| <input type="radio"/>            | 11 ½ year | (2553) |

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**SURCHARGE**

The surcharge required by 37 CFR 1.20(i)(2) (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

**MAINTENANCE FEE (37 CFR 1.20(e)-(g))**

The appropriate maintenance fee must be submitted with this petition.

**STATEMENT**

THE UNDERSIGNED CERTIFIES THAT THE DELAY IN PAYMENT OF THE MAINTENANCE FEE TO THIS PATENT WAS UNINTENTIONAL

PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

I certify, in accordance with 37 CFR 1.4(d)(4) that I am

- ☐ An attorney or agent registered to practice before the Patent and Trademark Office  
☐ A sole patentee  
☐ A joint patentee; I certify that I am authorized to sign this submission on behalf of all the other patentees.  
☐ A joint patentee; all of whom are signing this e-petition  
☒ The assignee of record of the entire interest

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature		Date (YYYY-MM-DD)	
Name		Registration Number	
Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature		Date (YYYY-MM-DD)	
Name			
A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature		Date (YYYY-MM-DD)	
Name			
A Joint Patentee, all of whom are signing this petition			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Patentee	<input type="button" value="Remove"/>		
Signature		Date (YYYY-MM-DD)	
Name			
Additional Patentees may be generated within this form by selecting the Add Button <input type="button" value="Add"/>			
The Assignee of record of the entire interest			
Under 37 CFR 3.71 an assignee becomes of record by filing a statement in compliance with 37 CFR 3.73(b). Signature requirements are set forth in 37 CFR 1.4(d) and the undersigned certifies that he / she is empowered to act on behalf of the assignee of the entire interest			
Signature	<i>Douglas R McCarter</i>	Date (YYYY-MM-DD)	2012-01-25
Name	Douglas R McCarter		
Enter Reel and Frame Number			<input type="button" value="Remove"/>
Reel Number	011548	Frame Number	
Click ADD for additional Reel Number and Frame Number <input type="button" value="Add"/>			
<p>This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.</p>			

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: McCarten Technology Inc.  
Application No./Patent No.: 6,443,817 Filed/Issue Date: Sept 03, 2002

Titled:

McCarten Technology Inc. CORPORATION  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest in;
2. ☒ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is 100 %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011548, Frame 0471 or for which a copy therefore is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Douglas R. McCarten  
Signature1/4/2012  
DateDOUGLAS R. MCCARTEN  
Printed or Typed NameVice President  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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